

50111



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF.
5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Big Ben Chemical and Solvents
6646 W. Archer Avenue
Chicago, IL

Re: The American Chemical Service Site

Dear Sir:

The United States Environmental Protection Agency (EPA) has documented the release or threatened releases of hazardous substances, pollutants or contaminants at the above referenced site, and is planning to spend public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 et seq., unless EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners or operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the site.

Based on data we received during our investigation concerning the hazardous substances disposed of at this site from 1955 up until at least 1975, EPA has information that indicates that you and/or your firm may be a responsible party. Before the government undertakes necessary action at the site, we would like to know if you will voluntarily perform the work required to abate any releases or threatened releases of hazardous substances, pollutants, and contaminants from the site. You should be aware that under Section 107(a) of CERCLA, where the Agency uses public funds to achieve the cleanup of the hazardous substances, you may be liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the site, including investigation, planning and enforcement.

The EPA is currently planning to conduct the following studies at the above site:

1. Further remedial investigation to identify the local hydrogeological characteristics, and define the nature and extent of soil, air, and surface water contamination at the site, and
2. Feasibility studies to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

In addition to the above studies, other corrective measures may be necessary to protect public health, welfare or the environment. These corrective measures may include, but are not necessarily limited to:

1. Implementation of initial remedial measures, e.g., securing the site to prevent contact with any potentially hazardous or toxic materials at the site and/or removal of contaminated material from the surface;
2. Predesigning and implementing the U.S. EPA approved remedial option for both the contaminated groundwater and soil;
3. Providing any monitoring and maintenance necessary after remedial measures have been completed.

EPA will consider an offer from you to participate in the remedial investigations and feasibility studies (RI/FS) described above. EPA has prepared a Work Plan and Site Safety Plan, and the potentially responsible parties (PRPs) who wish to conduct an RI/FS should follow a similar protocol. EPA will hold a meeting to discuss this matter at the Americana Congress Hotel, inside the Great Hall conference room in Chicago, Illinois, at 520 South Michigan Avenue from 9 a.m. - 4 p.m. on May 5, 1986. There should be no more than 2 persons representing each company. Clean Sites, Inc., an organization that assists PRPs in organizing records, meetings and other miscellaneous tasks, will be represented at the meeting. Clean Sites, Inc., has expressed an interest in coordinating the information flow concerning the site, and other tasks. Mr. Herbert Hofmaier of Clean Sites, will either be the contact person or another person will be assigned. You can reach a representative of Clean Sites at (703) 683-8522. Also, enclosed for your information is a list of PRPs who contributed waste to the site. You should notify EPA in writing within 30 calendar days of your willingness to conduct or participate with other potentially responsible parties in the RI/FS. Otherwise, EPA will assume that you decline any involvement in the RI/FS and will proceed with the appropriate studies and any initial remedial measures needed to secure the site.

Your letter should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, you should continue such activities as you see fit; you should not interpret this letter to advise or direct you to restrict or discontinue any such activities. You should report, however, the status of those discussions or that action in your letter.

Your letter should be sent to:

Mr. Joe DeVuono
U.S. EPA - Region V
Waste Management Division
Hazardous Waste Enforcement Branch
CERCLA Enforcement Section
230 South Dearborn Street 5HE-12
Chicago, Illinois 60604

Mr. DeVuono can also be reached by telephone at (312) 886-7591.

In addition, EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927, for the purpose of enforcing CERCLA and RCRA and for the purposes of assisting in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the EPA has the authority to require any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. 6903(5) and Section 101(4) of CERCLA, 42 U.S.C. 9601, to furnish the EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby requested to submit the information requested below.

1. Copies of all shipping documents or other business documents from 1955 to the present time relating to the transportation, treatment, storage and/or disposal of waste materials or substances at the above referenced site.
2. A detailed description of the generic common and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material offered by you for transportation to, storage, treatment and/or disposal at the above referenced site.

3. For each hazardous substance identified above, please give the total volume, in gallons for liquids in cubic yards for bulk shipment of solids, or number and volume of drums as appropriate, for which you arranged disposal, and list when disposal occurred.
4. What arrangements were made to transport your hazardous substances to the above referenced site? What type of transportation was used (i.e. tankers, dump truck, drums?)
5. Who was the transporter of your hazardous substances, what was the person's present and/or previous address?
6. Copies of all records including analytical results, and material safety data sheets, which indicate the chemical composition and/or chemical character of the waste material(s) transported to, treated, stored or disposed of at the above referenced site or offered for transportation to, storage, treatment or disposal at the site.
7. A list and description of all liability insurance coverage that is and was carried by you including any self-insurance provisions, that relates to hazardous substances and/or the above referenced site and copies of all of these insurance policies.

To assist you in answering these requests, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the site. The relevant time period for this request is from 1955 through the present.

For purpose of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification materials of any kind.

The information sought herein must be sent to EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. 6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request under Section 104 CERCLA, 42 U.S.C. 9604 may result in a civil enforcement action being brought against you by EPA.

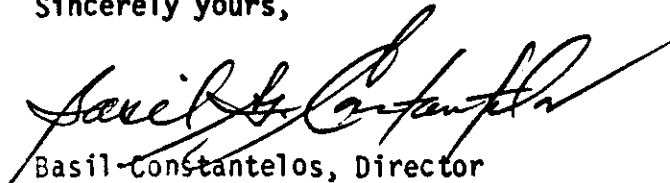
The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. 1001.

Your reply to request for information under Section 104 of CERCLA and Section 3007 of RCRA should be considered separate and distinct from that relating to participation in response activities at the site. It should be sent to the address listed above.

Due to the nature of the problem at this site and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope that you will give this matter your immediate attention.

Sincerely yours,



Basil Constantelos, Director
Waste Management Division

Waldvogel SHE-12

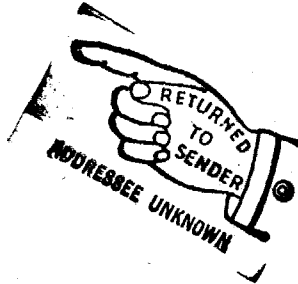
UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY

REGION V

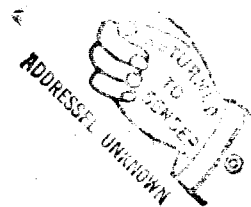
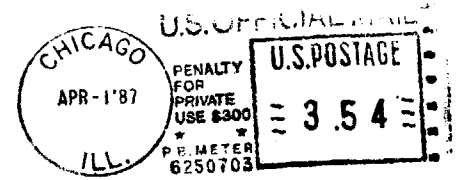
230 SOUTH DEARBORN
CHICAGO, IL 60604

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

unknown
W/131



P 250 722 611



P 250 722 611

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

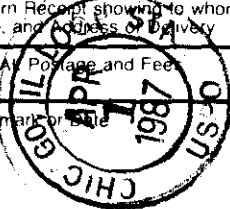
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1985-480-794

PS Form 3800, June 1985

Sent to	
BIG BEN (ASHLAND)	
MORTON SILVER	
188 WEST RANDOLPH ST.	
CHICAGO, IL 60601	
Postage	209
Certified Fee	73
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	70
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 354
Postmark or Date	



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BIG BEN (ASHLAND)
MORTON SILVER
188 WEST RANDOLPH ST.
CHICAGO, IL 60601